

13. Petition. All pleadings requesting relief, other than complaints or answers, including requests to be permitted to intervene in proceedings. (7-1-93)

14. TCC. Transitional Child Care. (7-1-93)

006. -- 039. (RESERVED).

040. PETITION FOR ADOPTION OF RULES. Pursuant to Section 67-5230, Idaho Code, any Person may direct a written Petition to the Director or to the Chair of the Board requesting the promulgation, amendment, or repeal of a rule. (7-1-93)

01. Form For Petition. The Petition for the adoption, amendment, or repeal of a rule must: (7-1-93)

a. List a name and address to which the Department may respond to the Petition; (7-1-93)

b. Include a statement of the legal authority and jurisdiction under which the rule was promulgated; (7-1-93)

c. List the rule in question and explain the reasons for the Petition; (7-1-93)

d. Include a statement of the preferred language of the rule. (7-1-93)

02. Submission of Petition. The Petition must be submitted in writing to the Administrative Procedure Section of the Department of Health and Welfare. (7-1-93)

03. Consideration of Petition. The Director or the Chair of the Board shall consider all Petitions for rule-making submitted in a timely manner. (7-1-93)

04. Disposition of Petition. Within twenty-eight (28) days of the submission, the Director or the Chair of the Board shall deny the Petition in writing, stating its reasons for the denials or shall initiate rule-making proceedings in accordance with Section 67-5220 et. seq., Idaho Code. (7-1-93)

041. -- 049. (RESERVED).

050. PETITION FOR DECLARATORY RULING. Pursuant to Section 67-5232, Idaho Code, any Person may direct a written Petition to the Director or the Chair of the Board, whichever is applicable, through the Hearing Coordinator for a declaratory ruling as to the applicability of any statute, or any rule, of the Department or Board, to an actual set of facts involving that Person. (4-8-94)

01. Contents of Petition. The Petition for a declaratory ruling must include the following: (7-1-93)

a. The authority to whom the Petition is addressed, i.e., the Board or the Director; (7-1-93)

b. The nature of the Petition, including the fact that it is a formal request for a declaratory ruling pursuant to this section; (7-1-93)

c. The specific statute or rule or regulation with respect to which the declaratory ruling is requested; (7-1-93)

d. A full and complete statement of facts describing the situation for which the declaratory ruling is requested; (7-1-93)

e. The specific ruling requested; (7-1-93)

f. The Petition must include the date of the Petition and the name and address of the Petitioner. If a Petitioner signs on behalf of a corporation or organization, that fact must be indicated opposite the signature; and (7-1-93)

g. The manner by which the statute, rule, regulation or order of the Board or Department interferes with, impairs, or threatens to interfere with or impair, the legal rights, duties, license, immunities, interests or privileges of the Petitioner. (7-1-93)

02. Disposition of Petition. Upon receipt and acknowledgement of a Petition and assignment of a docket number, the Hearing Coordinator shall transmit a copy of the Petition to the Board or to the Director. The Director or Board shall issue a final declaratory ruling in writing within seventy (70) days after receipt of the Petition or within such additional time as may be required as determined by the Director or Board. The Director or Board may decline to issue a declaratory ruling in the following circumstances: (7-1-93)

a. When a Petition fails to meet the requirements set forth in Subsection 050.01.; (7-1-93)

b. When the issue set forth in the Petition would be more properly addressed as a contested case, i.e. where there is a reasonable dispute as to the relevant facts, witness credibility is an issue, etc.; (7-1-93)

c. When the Petition fails to state a sufficient or cognizable legal interest to confer standing under applicable law; (7-1-93)

d. When the issue presented would substantially affect the legal rights, license, privileges, immunities, or interests of Parties other than Petitioners; or (7-1-93)

e. When the ruling requested is beyond the authority of the Director or Board. (7-1-93)

03. Issuance of a Declaratory Ruling. A declaratory ruling shall include the date the Petition was received and the name and address of the Petitioner, the title, chapter and section number of the rule, regulation or statute addressed, a concise statement of the principal reasons for or against the applicability of the rule, regulation or statute to the Petitioner, and, if applicable, an incorporation of the reasons for overruling the considerations urged by the Petitioner. The final decision must be mailed to the Petitioner within the time set in Subsection 050.02. (7-1-93)

04. Effect of Declaratory Ruling. A declaratory ruling is binding upon the Department and Board and upon the Petitioner receiving it as to the issues and facts presented, unless it is altered or set aside by a court of competent jurisdiction. The Department cannot retroactively change a declaratory ruling concerning any Petitioner. A declaratory ruling is subject to Judicial Review pursuant to Section 67-3270(2), Idaho Code. (7-1-93)

051. -- 079. (RESERVED).

080. FEES FOR COPIES. Pursuant to Section 67-5205(b), Idaho Code, a fee will be charged to all Persons, other than employees of the state of Idaho, for copies of all Department or Board documents. The fee shall be ten cents (\$0.10) per impression page, thus, a double sided copy will be twenty cents (\$0.20). This fee will not be charged for copies of forty-nine (49) impressions and under. Documents are copies of rules, regulations and standards, generally available publications, and public records as defined under Section 9-337(10), Idaho Code. (7-1-93)

081. -- 099. (RESERVED).

100. GENERAL PREHEARING PROVISIONS. The following general provisions are applicable to those phases of all contested case proceedings which occur before the hearing is conducted unless precluded by statute or regulation. (7-1-93)

01. Limitation of Time Periods. The individual program regulations for time limitations within which certain actions must be taken or documents filed shall be followed. In the event there is no provision in the Idaho Code or other specific rule a Party shall have thirty-five (35) days to file an appeal of any adverse order or notice of decision of the Department, Director or Board. (7-1-93)

02. Notice of Hearing. All Parties in a contested case proceeding shall be afforded an opportunity for a hearing after reasonable notice, or within such time period as may be mandated by law. The hearing shall be arranged by the Hearing Coordinator. The notice shall include: (7-1-93)

- a. A statement of the time, place and nature of the hearing; (7-1-93)
- b. A statement of the legal authority under which the hearing is to be held; (7-1-93)
- c. A reference to the particular sections of any statutes and rules involved; (7-1-93)
- d. A statement of the issues involved; (7-1-93)
- e. A statement that all documents relied upon by the Department to make its order or notice of decision, or otherwise related to the issues involved in the hearing and relied upon by any Party, are to be filed with the Hearing Coordinator and that each Party must serve its own documents unless otherwise stated by law; (7-1-93)
- f. A statement that all Parties may be represented by counsel; (7-1-93)
- g. A statement concerning advance requests for hearing transcripts pursuant to Subsection 100.08. (7-1-93)

03. Prehearing Conference. The Board, Director, or the Hearing Officer may, upon written or other sufficient notice to all interested Parties, hold a prehearing conference for the following purposes: (7-1-93)

- a. To formulate or simplify the issues; (7-1-93)
- b. To obtain admissions or stipulations of fact and of documents; (7-1-93)
- c. To arrange for exchange of proposed exhibits or prepared expert testimony; (7-1-93)
- d. To limit the number of witnesses; (7-1-93)
- e. To determine the procedure at the hearing; and (7-1-93)
- f. To determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (7-1-93)

04. Disposition of Case Without a Hearing. Unless precluded by law, disposition without a hearing may be made of any contested case by stipulation, agreed settlement, consent order, motions to dismiss, summary judgment, or default. (7-1-93)

05. Withdrawal of Petition. The initiating Party at any time may withdraw from any contested case proceeding upon serving written notice of withdrawal to the Hearing Authority. (7-1-93)

06. Withdrawal of Attorney or Representative. Any attorney or other person representing a Party in a contested case proceeding who wants to withdraw from such proceeding must immediately notify, in writing, the Board, Director, or the Hearing Officer; the Hearing Coordinator; and all involved Parties. (7-1-93)

07. Intervention. Persons other than the original Parties to the proceeding, who are directly and substantially affected by the proceeding may intervene if they first secure an order from the Hearing Authority granting leave to intervene before being allowed to participate. (7-1-93)

a. Granting of Leave to Intervene. The granting of leave to intervene or to otherwise appear in any matter or proceeding shall not be construed to be a finding or determination of the Hearing Authority that such Party will or may be a Party aggrieved by any ruling, order or decision of the Hearing Authority for purposes of Judicial Review or appeal. (7-1-93)

b. Form and Content of Petitions. Petitions for leave to intervene must be in writing and must clearly: (7-1-93)

i. Identify the proceeding in which it is sought to intervene, setting forth the name and address of the Intervenor; (7-1-93)

ii. Make a clear and concise statement of the direct and substantial interest of the Intervenor in such proceeding and the relationship of the Intervenor to the other Parties; (7-1-93)

iii. State the manner in which such Intervenor will be affected by such proceeding, outlining the matters and things relied upon by such Intervenor as a basis for his request to intervene in such cause; (7-1-93)

iv. If affirmative relief is sought, the Petition must contain a clear and concise statement of relief sought and the basis thereof; and (7-1-93)

v. A statement as to the nature and quantity of evidence the Intervenor will present if such Petition is granted. (7-1-93)

c. Filing of Petitions. All Petitions must be filed with the Hearings Coordinator and submitted to the Hearing Authority. Petitions to intervene and proof of service thereof on all other Parties of record must be filed within seven (7) days after receiving notice of the proceeding, or if no notice is received, not less than fourteen (14) days prior to the date set for hearing and, if filed thereafter, must state a substantial reason for such delay; otherwise the Petition will not be considered. (7-1-93)

08. Hearing Record. The Board, Director, or Hearing Officer and the Hearing Coordinator must arrange for a record to be made of the contested case hearing. The record must be a verbatim record and it shall be magnetically recorded by two (2) recording devices, unless a Party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of hearing. The record shall be transcribed at the expense of the Party requesting a transcription and prepayment or guarantee of payment may be required. Once a transcription is requested, any Party may obtain a copy at the Party's own expense. The recorded proceedings will be provided to the Hearings Coordinator for inclusion into the record. The Department shall maintain an official record of each contested case for a period of not less than six (6) months after the expiration of the last date for judicial review, unless otherwise provided by law. The record shall include all notices of proceedings, pleadings, motions, briefs, petitions and intermediate rulings, evidence received or considered, any oral or written statements allowed by the

hearing officer, statement of matters officially noticed, offers of proof and objections and rulings thereon, the recording of the proceedings or any transcript of all or part of the proceedings, staff memoranda or data submitted to the hearing authority in connection with the proceeding, and any recommended order, preliminary order, final order or order on reconsideration. (7-1-93)

09. Subpoenas. The Hearing Authority may compel the attendance of specific Persons and the production of specific documents, materials, or objects at any contested case proceeding by issuing a subpoena. In proceedings under Section 39-4413, Idaho Code, the Hearing Authority may request an order in the nature of a subpoena from the district court. (7-1-93)

10. Stipulations. The Parties to a contested case proceeding may stipulate as to any fact at issue, either by written stipulation or by oral statement shown upon the record. Any such stipulation shall be binding upon all Parties so stipulating and may be considered by the Hearing Authority. The Hearing Authority may require proof by evidence of any facts stipulated to, notwithstanding the stipulation of the Parties. (7-1-93)

11. Rules of Civil Procedure. As contested case proceedings and hearings are informal, the Idaho Rules of Civil Procedure shall not apply. The hearing authority shall provide the procedure at the hearing as required by the provisions of Section 67-5242(3). (7-1-93)

12. Discovery. Except for those programs governed by the Environmental Protection and Health Act, Section 39-107(5), Idaho Code, prehearing discovery shall be limited to obtaining the names of witnesses and copies of documents the opposing Party intends to offer or present at the hearing. The Hearing Authority or Hearing Officer may order disclosure of this information if a Party refuses to comply after receiving a written request. Nothing in this Section shall limit the authority of the Director provided in Section 56-227C, Idaho Code. (7-1-93)

13. Briefing Schedule. A Hearing Officer may require briefs and written memoranda to be filed by the Parties, and establish a reasonable briefing schedule. For post-hearing proceedings governed by Sections 67-5244 and 67-5245, Idaho Code, the Hearing Coordinator may establish a reasonable briefing schedule. (7-1-93)

14. Informal Disposition. Unless otherwise prohibited by statute or rule, the hearing authority may decline to initiate a contested case. Informal disposition may be made of any contested case by negotiation, stipulation, agreed settlement or consent order, which informal settlement is encouraged. The parties may stipulate as to the facts, reserving their right to appeal to a court of competent jurisdiction on issues of law. The hearing authority may request such additional information as may be required to decide whether to initiate or to decide a contested case. If the hearing authority declines to initiate or decide a contested case a brief statement of the reasons for that decision will be furnished to all persons or parties involved. This disposition of a contested case by informal disposition shall be a final agency action pursuant to Section 67-5241, Idaho Code. (7-1-93)

101. GENERAL HEARING PROVISIONS. The following general provisions are applicable to those phases of all contested case proceedings which occur during the hearing unless precluded by statute or rule. (7-1-93)

01. Classification of Proceedings. Proceedings before the Board, the Director, or their designee will be classified according to their nature, the relief sought, the need for proof, and the requirements of due process. (7-1-93)

02. Formal Complaints and Petitions. Complaints and Petitions must be in writing and shall set forth clearly and concisely the grounds of the complaint and a statement of the facts, actions or things done or omitted. Facts constituting such acts or omissions, together with citations, statutes,

or rules and regulations of the Department or the Board involved, should be stated, together with the dates on which the acts or omissions occurred. The initial pleading of each Party must provide the name and the address of the Complainant or Petitioner or representative, together with the name, address and telephone number of his attorney, if any, must appear upon the complaint or Petition. Service of documents on the named representative or attorney is valid service upon the Party for all purposes. (7-1-93)

03. Limitation of Time Periods. The individual program regulations for time limitations within which certain actions must be taken or documents filed shall be followed. In the event there is no provision in the Idaho Code or other specific rule or regulation, a Party shall have thirty-five (35) days to Petition or file an appeal of any adverse order of the Director or Board. (7-1-93)

04. Computation of Time. In computing any period of time relating to a contested case proceeding, the first day of the period is not to be included. The last day of the period is to be included unless it is a Saturday, Sunday or legal holiday in which case the period runs until 5:00 p.m. of the next working day, unless otherwise provided by law. (7-1-93)

05. Service of Documents. Documents concerning contested case proceedings must be served as follows: (7-1-93)

a. All pleadings, briefs and subsequent papers must be served upon every Party of record concurrently with the filing with the Hearing Coordinator. (7-1-93)

b. All notices and orders required to be served, other than the initial complaint or Petition, must be served in Person or by first class mail. (7-1-93)

c. The initial complaint or Petition must be served in Person or by certified mail. (7-1-93)

d. Service by first class or certified mail will be deemed complete when the document, properly addressed and stamped, is deposited in the United States mail. The postmark shall be the determinant date for all timelines. (7-1-93)

06. Proof of Service. Proof of service must accompany all documents when they are filed with the Hearing Coordinator. (7-1-93)

07. Assignment of Docket Number. The Hearing Coordinator will date stamp and assign a permanent docket number to all pleadings filed in contested cases. (7-1-93)

08. Appointment of Hearing Officer and Disqualifications. The Director and/or the Chair of the Board, or their designees, may appoint or designate a Hearing Officer to preside over a contested case proceeding. The Hearings Coordinator shall administer the appointment of the Hearing Officer. Any party shall have the right to one (1) disqualification without cause of any person serving or designated to serve as a hearing officer except where a decision is required to be rendered within fourteen (14) weeks of the date of a request for hearing by state or federal statutes or rules of the Department. In all other cases any party shall have a right to file a motion to disqualify a hearing officer for bias, prejudice, interest, substantial prior involvement in the matter other than as a hearing officer, status as an employee of the agency hearing the contested case, lack of professional knowledge in the subject matter of the contested case, or for any other cause provided for which a Judge is or may be disqualified. Any such petition for disqualification of a person serving or designated to serve as a hearing officer shall be filed within fourteen (14) days after receipt of the notice indicating that the person will preside at the contested case, or for disqualification for cause, promptly upon discovering facts establishing grounds for such disqualifica-

tion, whichever is later. Any party may assert a blanket disqualification for cause of all employees of the agency, other than the agency head, without a waiting designation of a presiding officer. A hearing officer whose disqualification for cause is requested shall determine in writing whether to grant the petition, stating facts and reasons for the determination. In the event that a proposed disqualification of the agency head or a member of the agency would result in an inability to decide a contested case, the actions of the agency head shall be treated as a conflict of interest pursuant to the provisions of Section 59-704, Idaho Code. (7-1-93)

09. Hearing Officer Authority. The Hearing Officer shall, in the context of each proceeding and unless precluded by law, have the discretion and authority to: (7-1-93)

- a. Determine the order of presentation; (7-1-93)
- b. Grant or deny Petitions for intervention and reconsideration; (7-1-93)
- c. Determine the need, if any, for consolidation; (7-1-93)
- d. Rule on all evidentiary questions; (7-1-93)
- e. Rule on motions and objections and dispose of procedural requests; (7-1-93)
- f. Determine the need for prehearing conferences, recesses, adjournments, hearings on motions and postponements; (7-1-93)
- g. Administer oaths and affirmations; (7-1-93)
- h. Examine witnesses; (7-1-93)
- i. Issue subpoenas or request orders in the form of subpoenas as provided by law; (7-1-93)
- j. Prescribe general rules of hearing decorum and conduct; (7-1-93)
- k. Regulate the course of the proceeding; (7-1-93)
- l. Formulate a reasoned statement in support of the decision. Findings of fact should be set forth in statutory language and shall be accompanied by a concise and explicit statement of the underlying facts of record supporting the findings. (7-1-93)
- m. Perform any functions including those set forth in Sections 67-5241 through 67-5251, Idaho Code, and serve in place of and decide any contested case if delegated pursuant to Sections 39-107, 39-108, 56-101(4) and 67-2405(10), Idaho Code; and (7-1-93)
- n. All other functions specifically authorized by the appointing authority. (7-1-93)
- o. No Hearing Authority or Hearing Officer, including Fair Hearing Officer, shall have the jurisdiction or authority to invalidate any federal or state statute or rule or regulation. (7-1-93)

10. Ex Parte Consultations. Ex parte communications between the Hearing Officer and any Party to a contested case proceeding are precluded pursuant to Section 67-5253, Idaho Code. (7-1-93)

11. Representation by Counsel. Any Party in a contested case proceeding may be represented by counsel, at the Party's own expense. (7-1-93)

12. Open Hearings. All contested case hearings must be open to the public, unless precluded by law, and in a location reasonably convenient to all Parties to the proceeding. The location shall be arranged by the Hearing Coordinator. (7-1-93)

13. Testimony Under Oath. All testimony to be considered, with the exception of matters officially noticed or entered by stipulation, must be given under oath as administered by the Hearing Officer or other authority authorized to administer oaths. (7-1-93)

14. Appearance and Representation. Any Party to a proceeding may appear and be heard in Person or may authorize an attorney to represent the Party at the Party's own expense. Unless otherwise expressly allowed by these rules, with the prior approval of the Hearing Authority, a Party may be assisted, but not represented, by a friend or relative. When a Party chooses to appear in Person and does not speak or understand the English language, an interpreter shall be allowed to interpret under oath. The interpreter shall not be allowed to act as a representative of the Party and shall act at the Party's own expense. (7-1-93)

15. Default. If a Party fails to appear at a scheduled hearing or at any stage of a contested case without good cause and reasonable notice to the Hearing Authority and to all other Parties, the Hearing Authority may enter a notice of proposed default order against the nonappearing Party. A default order may be altered or set aside upon petition filed within seven (7) days of service of the order showing sufficient good cause stating that grounds relied on, and providing reasonable notice to all parties. (7-1-93)

16. Order of Presentation. At any contested case hearing, the Party having the burden of proof (usually the Petitioner or Complainant) shall be the first to present testimony unless the Hearing Authority determines otherwise. (7-1-93)

17. Evidence. Pursuant to Section 67-5251, Idaho Code, the hearing shall be informal and technical rules of evidence shall not apply, except that irrelevant, immaterial, incompetent, duly repetitious evidence, or evidence, or excludable on constitutional or statutory grounds protected by the rules of privilege recognized by law may be excluded. Hearsay evidence may be received if it is relevant to or corroborates competent evidence, but shall not be the sole basis for any finding of fact. Any part of the evidence may be received in written form if doing so will expedite then hearing without substantially prejudicing the interest of any party. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. (7-1-93)

18. Testimony by Telephone or Other Electronic Means. With the prior approval of the Hearing Authority, witnesses may testify by telephone or other electronic means, provided the examination and responses are audible to all Parties. (7-1-93)

19. Official Notice. (7-1-93)

a. Discretionary Notice. Notice may be taken of judicially cognizable facts by the Hearing Officer or authority on its own motion or on motion of a Party. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed including any staff memoranda or data, and the Parties shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. (7-1-93)

b. Mandatory Notice. For all hearings the Hearing Authority must take official notice of the following materials on its own motion or on the

motion of any Party. Objections going to such notice must become a part of the record. For the purposes of the hearing it is established as true without proof that the following are admissible, valid and enforceable: (7-1-93)

- i. Rules and regulations of the Department and other state agencies; (7-1-93)
- ii. Federal rules and regulations; (7-1-93)
- iii. State plans of the Department; (7-1-93)
- iv. The constitution and statutes of the United States and Idaho; (7-1-93)
- v. Public records; and (7-1-93)
- vi. Such other materials that a court of law must judicially notice. (7-1-93)

20. Contents of the Record. Pursuant to Section 67-5249(2), Idaho Code, the record in a contested case proceeding shall be kept by the Hearing Coordinator and must include the following: (7-1-93)

- a. All notices, pleadings, motions and rulings; (7-1-93)
- b. All evidence received or considered; (7-1-93)
- c. A statement of all matters officially noticed; (7-1-93)
- d. A record of testimony and offers of proof, objections and rulings thereon; (7-1-93)
- e. A record of proposed findings and exceptions; (7-1-93)
- f. Any decision, opinion, or report by the Hearing Officer; (7-1-93)
- g. All staff memoranda or data submitted to the Hearing Authority or the Hearing Coordinator or the Hearing Officer in connection with consideration of the case; and (7-1-93)
- h. All briefs or memoranda submitted by any Party. (7-1-93)
- i. Any recommended order, preliminary order, final order, or order on reconsideration. (7-1-93)

21. Filing of Documents. Two (2) copies of all written communications and documents concerning any matter involving a contested case proceeding must be filed with the Hearing Coordinator, and an additional copy must be filed with the Hearing Officer, if one has been appointed or designated. Documents are deemed to be filed on the date postmarked by the United States mail or received by the Hearing Coordinator, whichever is earlier. (7-1-93)

22. Judicial Review. In accordance with Section 67-5271, Idaho Code, a Party which has exhausted all administrative remedies available within the Department may seek Judicial Review. Proceedings for Judicial Review shall be instituted in accordance with Sections 67-5270 and 5273, Idaho Code. (7-1-93)

102. GENERAL POST HEARING PROVISIONS. Except in contested case proceedings where the Director, Board, or other Hearing Authority has delegated its jurisdiction and authority to render the final Department decision pursuant to Sections 39-107, 39-108, 56-101(4), 56-216, 67-2405(10) or 67-5246, Idaho Code, the following provisions are applicable to those phases of all contested case proceedings which occur after the hearing has been conducted: (7-1-93)

01. Board or Director Review. When in a contested case the Board or Director is to render the final decision and has not heard the case or read the record, the final decision shall not be made until a preliminary decision or a recommended decision is served upon the Parties, and an opportunity is afforded to each Party to file exceptions and present briefs and oral arguments to the Board or Director. Such preliminary or recommended decision shall contain a statement of the reasons therefore and the findings of fact necessary to the decision, prepared by the Hearings Officer who conducted the hearing. The Parties by written stipulation may waive compliance with the provisions of this subsection. (7-1-93)

02. Submission of Decision and Order. The Hearing Officer's decision shall be filed with the Hearing Coordinator. The Hearing Coordinator shall serve a copy of such decision upon all Parties personally or by mail. When applicable, the decision shall be transmitted to the Board or Director for a final decision. (7-1-93)

03. Contents of Decision and Order. A preliminary or recommended decision or order submitted to the Board or the Director for final decision must include: (7-1-93)

a. Specific findings on all major facts at issue, separately stated with a concise or explicit statement of the facts supporting each finding; (7-1-93)

b. A reasoned statement in support of the decision; (7-1-93)

c. All other findings and recommendations of the Hearing Officer; (7-1-93)

and
d. A preliminary decision or recommended decision affirming, reversing or modifying the action or decision of the Department, or remanding the case for further proceedings. (7-1-93)

e. The procedures and time limits for appeal, exceptions, or reconsideration. (7-1-93)

04. No Motions for Reconsideration. Unless otherwise provided by law or these rules, motions for reconsideration of any preliminary, recommended, or final decision shall not be granted. (7-1-93)

05. Final Decision and Order. After consideration of the preliminary or recommended decision and order, the Board or the Director may: (7-1-93)

a. Affirm the decision and order by notifying all Parties of its affirmance; (7-1-93)

b. Revise the decision and order and issue a revised decision and order to all Parties; (7-1-93)

c. Reverse the decision and order by notifying all Parties of its reversal; or (7-1-93)

d. Remand to the Hearing Officer for further proceedings. (7-1-93)

06. Service of Decisions and Orders. Decisions and orders shall be deemed to have been served when copies thereof are mailed to all Parties of record or their attorneys by the Hearing Coordinator. (7-1-93)

07. Public Inspection. All final decisions and orders of the Board or the Director must be maintained by the Hearing Coordinator and made available for public inspection. (7-1-93)

08. Effect of Petition for Judicial Review. The filing of a Petition for Judicial Review shall not stay compliance with the decision and order or